

## REMARKS

In the Office Action dated October 13, 2005, the pending claims were finally rejected. Applicant takes this opportunity to file a request for continued examination. In that connection, applicant cancels certain claims, amends certain other claims and adds several new claims.

Applicant also wishes to make of record the telephonic interview conducted with the Examiner on 3 November 2005. During that interview, the Examiner clarified that the requirement of a listing of related applications in the most recent Office Action was intended for double patenting issues only so that foreign patent applications were not relevant to this inquiry. Also, it was noted that the mention in the latest Office Action of a paragraph of the specification bridging pages 6 and 7 did not refer to Figures 1a and 1c as noted in the Office Action. Rather, it referred to Figures 3a and 3c. The Examiner determined that it was the paragraph of the specification bridging pages 5 and 6 that should have been referenced since this paragraph does refer to Figures 1a and 1c.

New claims 47 and 48 are fully supported by the specification as filed and do not introduce new matter. More particularly, independent claim 47 recites a stent for insertion into a block constricted or otherwise flow restricted vessel (see page 1, lines 22-24 of the specification). The stent comprises a hollow tube which supports an interior wall of the vessel. A plurality of openings are located in the wall of the tube so that the interior wall of the vessel is exposed via the openings to fluid flow along the vessel. The hollow tube is pre-shaped so as to have at least a partially helical shape. The hollow tube imposes at least a partially helical shape on the vessel (see page 3 of the specification, lines 20-24). A swirling fluid flow is induced within the vessel (see page 10, lines 33-34). Thus, no new subject matter is being introduced by claim 47.

Dependent claim 48 depends from claim 47 and recites that the hollow tube creates a generally uniform distribution of fluid flow wall shear stress within the hollow tube. This subject matter is discussed at length on page 11 of the specification at lines 11-14.

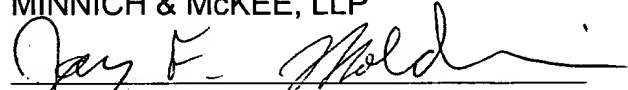
For the reasons advanced above in connection with claim 47, claim 49 is also supported by the specification as filed.

Applicant takes this opportunity to submit to the Examiner five sheets of photographs illustrating the use of the stent according to the present invention. The photographs are of a rabbit's thoracic aorta. Photographs 4 and 5 clearly show the helical shape of the stent. In particular, this embodiment of the stent is made of shape memory alloy. Thus, the stent adopts this shape at 37°C.

Accordingly, prompt and favorable examination of the pending claims is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP



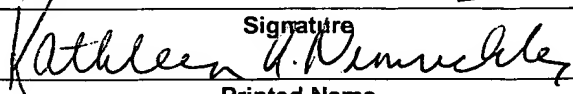
Jay F. Moldovanyi, Reg. No. 29,678  
1400 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

April 10, 2006  
Date

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CERTIFICATE OF MAILING

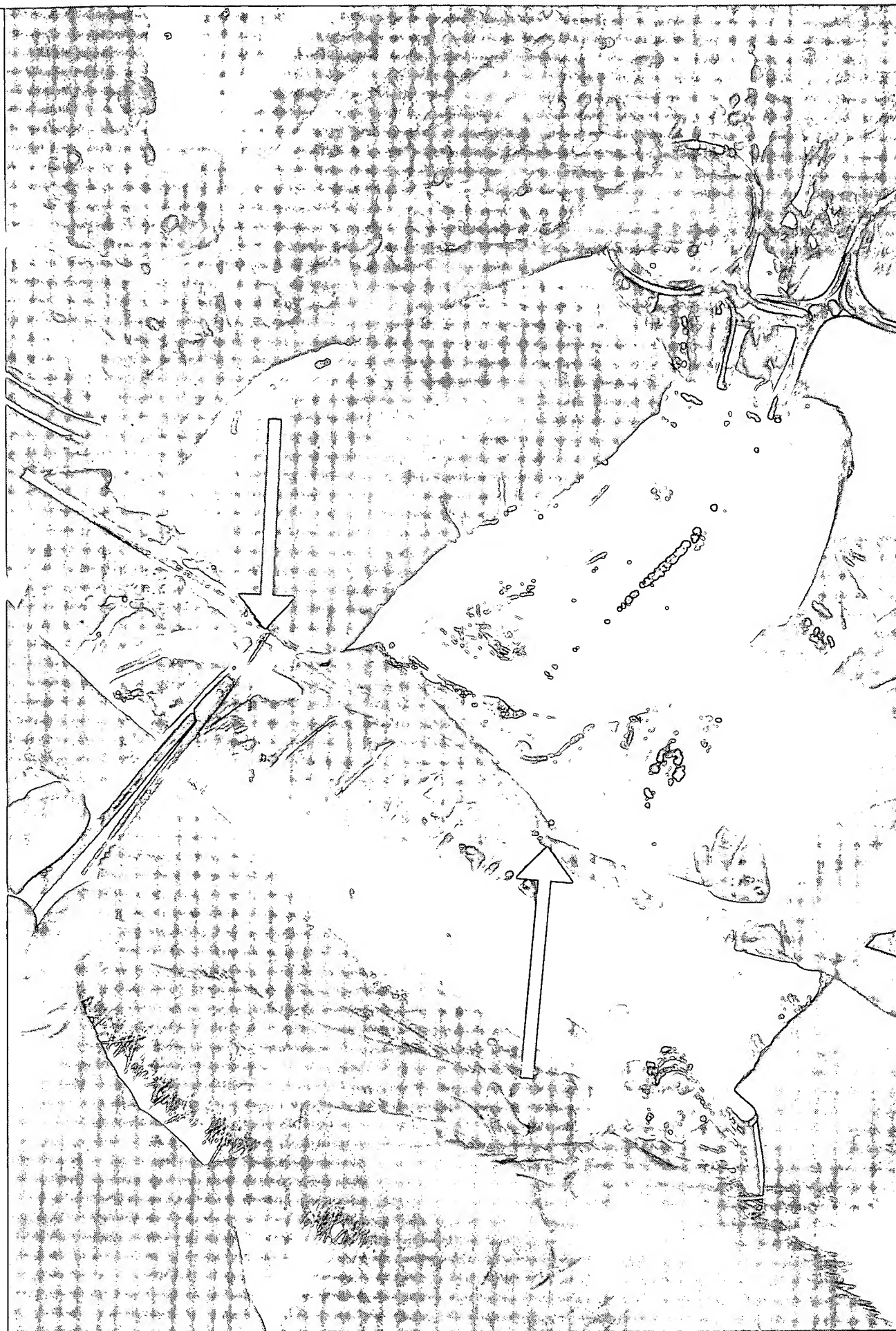
Under 37 C.F.R. § 1.8, I certify that this Amendment is being deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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|  | <b>Signature</b><br> |
| <b>Date</b><br><br><b>April 10, 2006</b> | <b>Printed Name</b><br><br><b>Kathleen A. Nimrichter</b>   |

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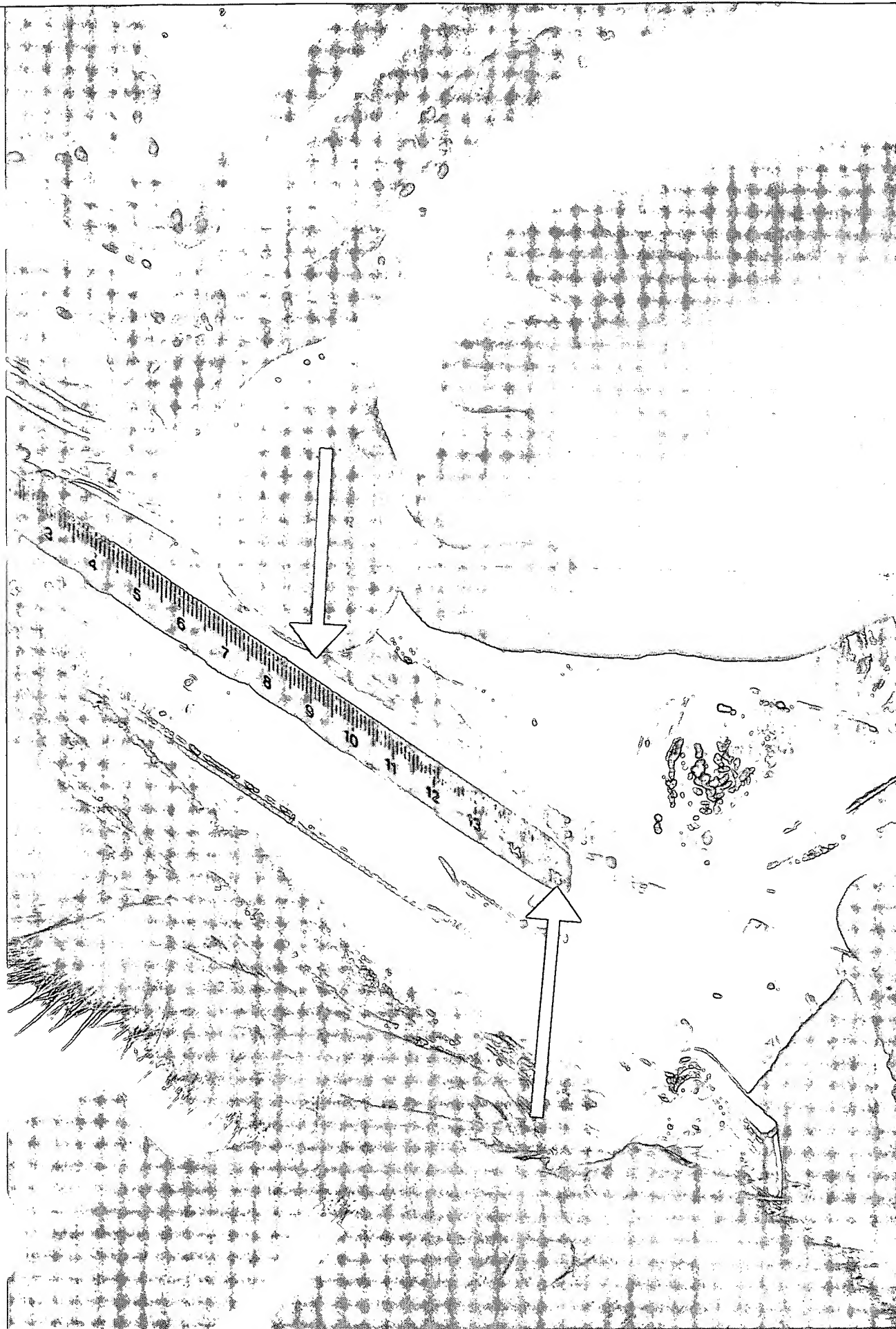
# Helical stent inserted into thoracic aorta, un-deployed

Arrows indicating both ends



# Helical stent inserted into thoracic aorta, un-deployed

Arrows indicating both ends

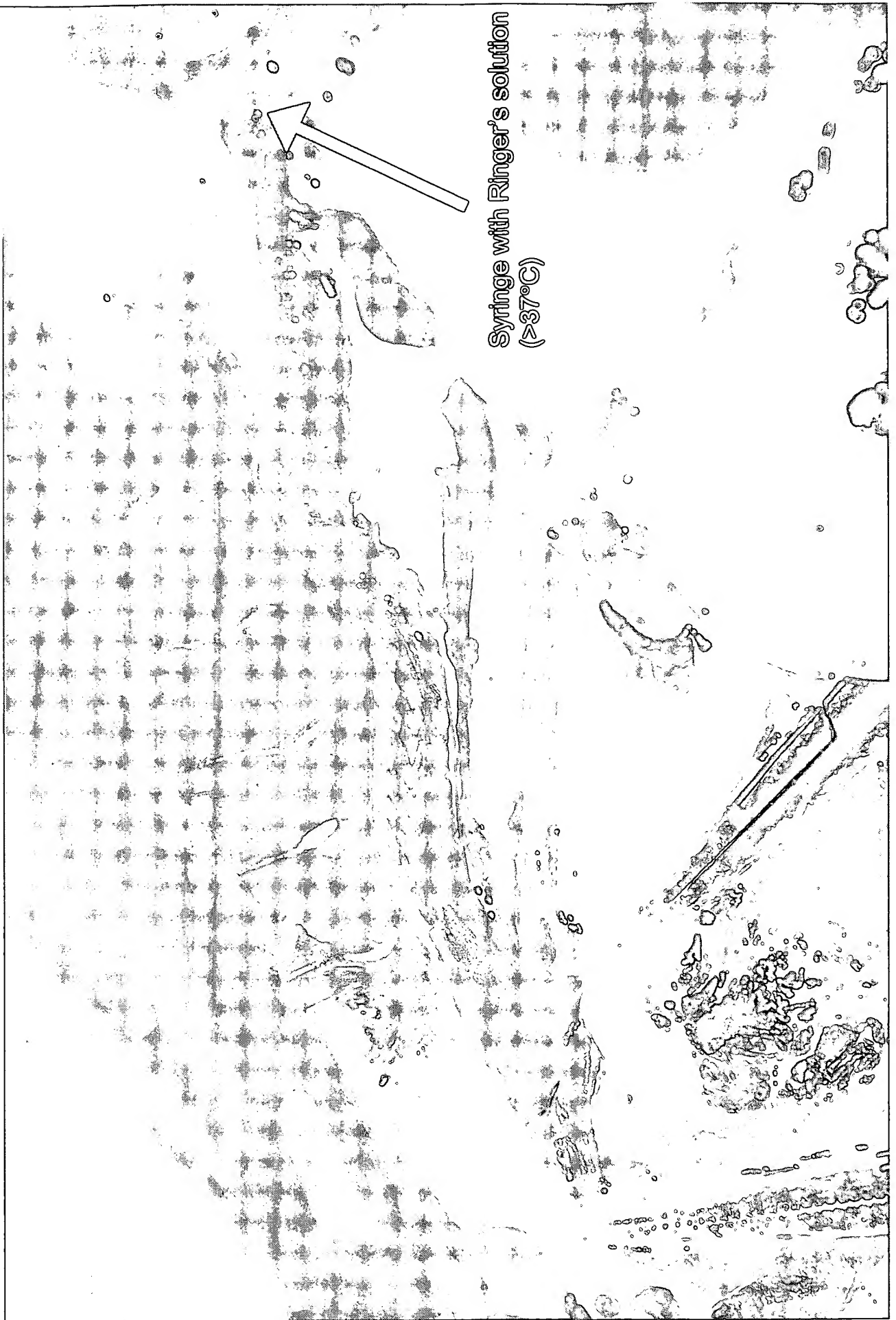


Deployed helical stent in thoracic aorta  
body temperature cooled down to room temperature (~22°C)





# Deployed helical stent in thoracic aorta; Temperature >37°C (due to injection of warm Ringer's solution into thoracic aorta)



Deployed helical stent in thoracic aorta  
Temperature >37°C

length: 57 mm  
Amplitude ratio: 0.39  
pitch: 31.7 mm

